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SERVICE DATE - JANUARY 18, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 602X)

CSX TRANSPORTATION, INC.--ABANDONMENT
EXEMPTION--IN LIMESTONE COUNTY, AL

Decided: January 16, 2002

CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon a 0.56-mile line of railroad between milepost 000-290.2 and milepost 000-290.76 in Athens, Limestone County, AL. Notice of the exemption was served and published in the Federal Register on December 21, 2001 (66 FR 66013-14). The exemption is scheduled to become effective on January 22, 2002.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on December 28, 2001, preliminarily concluding that, as currently proposed, abandonment of the line will not significantly affect the quality of the human environment. SEA requested comments by January 11, 2002.

SEA states that the U.S. Fish and Wildlife Service (FWS) office in Daphne, AL, has submitted a comment indicating that the slackwater darter, a federally listed species, may occur in Swan Creek, and that it may be affected during salvage operations involving removal of the rail line bridge over Swan Creek. Therefore, SEA recommends that a condition be imposed requiring CSXT to consult with FWS, Mr. Bill Young (334) 441-5181, ext. 38, prior to salvage operations to determine potential impacts to the slackwater darter, particularly with regard to the removal of the rail line bridge over Swan Creek. SEA further states that, if FWS determines that formal consultation is necessary, pursuant to section 7 of the Endangered Species Act, CSXT shall notify the Board and be prohibited from conducting salvage operations or disposing of the entire right-of-way until completion of the section 7 process of the Endangered Species Act, 16 U.S.C. 1531.

The recommended condition will be imposed. As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.

2. Upon reconsideration, the exemption of the abandonment of the rail line described above is subject to the condition that, prior to salvage operations, CSXT consult with FWS in Daphne, AL, Mr. Bill Young (334) 441-5181, ext. 38, to determine potential impacts to the slackwater darter, particularly with regard to the removal of the rail line bridge over Swan Creek, and if FWS determines that formal consultation is necessary, pursuant to section 7 of the Endangered Species Act, CSXT shall notify the Board and be prohibited from conducting any salvage operations or disposing of the entire right-of-way until completion of the section 7 process of the Endangered Species Act, 16 U.S.C. 1531.

3. This decision is effective on the date of service.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary